

APPEAL NO. 041173
FILED JULY 7, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 26, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that she had disability due to the compensable injury of _____, beginning on December 17, 2003, and continuing through February 18, 2004. The appellant (self-insured) appeals on sufficiency of the evidence grounds. The claimant responds, urging affirmance.

DECISION

Affirmed.

The self-insured asserts that "It is obvious from the hearing officer's cursory Decision and Order he gave little thought or consideration of the evidence . . .," and "[t]he hearing officer simply regurgitates the Claimant's testimony and provides no analysis of the information and evidence submitted . . .," concluding that the hearing officer failed to remain fair and impartial. We note that the hearing officer is not required to detail all of the evidence both supporting and contradicting his determinations. See Texas Workers' Compensation Commission Appeal No. 93164, decided April 19, 1993, and cases cited therein. We are satisfied that, as he states in his decision, the hearing officer based his findings of fact and conclusions of law on all of the evidence presented.

The hearing officer did not err in making the complained-of injury and disability determinations. Those determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.- Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). Although there was conflicting evidence in this case, there is sufficient evidence to support the hearing officer's injury determination as well as the determination of disability and the period thereof. An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We do not find that to be the case.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge